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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,495

Applicant(s)

BRISCOE ET AL.

Examiner

LaShonda T Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicants' Request for Reconsideration filed on July 8, 2004. Claims 1-42 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Glommen et al (hereinafter, "Glommen", 6,393,479).

As per claim 1, Glommen discloses a system for obtaining enriched activity data in a client-server communications network wherein information requested by a network element is cached at one or more other network elements, comprising:

- a server network element including server software and a database for generating and storing a plurality of information files that are accessible to a requesting network element, the information files including text files and key words that are interpreted by the requesting network element to display the information requested, the information file further including an uncacheable single pixel Graphics Image Format (GIF) request (col. 3, lines 33-67, col. 5,

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lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32; Glommen discloses html code which contains a graphical element (not cached by the server) is used to gather information about a website visitor and scripts that gathers additional information (such as monitor resolution, etc) in order to provide efficient detail of a website visitor pattern. Glommen meets the requirements of tracking a user's interactions with an uncacheable single pixel GIF as claimed by the applicants); and

- wherein upon interpreting the information file, the single pixel GIF request is transmitted from the requesting element over the communications network to the server network element which reads and stores enriched data contained therein (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims 17 and 32, Glommen discloses a method and computer readable medium for obtaining enriched activity data in a client-server communications network wherein information requested by a network element is cached at one or more other network elements, comprising the acts of:

- generating and storing a plurality of information files at a server network element that are accessible to a requesting network element, the information files including text files and key words and a single pixel Graphics Image Format (GIF) request (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32);

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- interpreting the information files including the text files, key words and single pixel GIF request by the requesting network element to display the information requested (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32);
- transmitting the single pixel GIF request from the requesting element over the communications network to the server network element (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32); and
- reading and storing the enriched activity data contained in the transmitted single pixel GIF request at the server network element (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims 2 and 18, Glommen further discloses:

- one or more cache engines that are connected to at least one of the other network elements for temporarily storing requested information files that are served upon demand to the requesting network element (col. 2, lines 18-51).

As per claims 3, 19 and 33, Glommen discloses:

- wherein the single pixel GIF request includes a Common Gateway Interface (CGI) query string appended to it that contains the enriched data (col. 7, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims 4, 20 and 34, Glommen discloses:

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- wherein the CGI query string includes an identification of the location of the requested information file (col. 7, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **5, 21** and **35**, Glommen discloses:

- wherein the CGI query string includes a number of image objects contained in the information file (col. 7, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **6, 22** and **36**, Glommen discloses:

- wherein the CGI query string includes an identification of a network element that referred the requesting network element to the server network element (col. 7, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **7, 23** and **37**, Glommen discloses:

- wherein the CGI query string includes a persistent cookie identification of the requesting network element (col. 8, lines 18-25, col. 9, lines 14-26 and lines 64-67).

As per claims **8** and **24**, Glommen discloses:

- wherein the client-server communications network is a global network such as the Internet (col. 5, lines 65-67, col. 6, lines 1-16 and col. 7, lines 17-20).

As per claims **9, 25** and **38**, Glommen discloses:

- wherein the plurality of information files are hypertext documents written with HyperText Markup Language (HTML) tags (col. 5, lines 65-67 and col. 6, lines 1-16).

As per claims **10** and **26**, Glommen discloses:

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- wherein the hypertext documents contain source HTML code interpreted by the requesting element to generate the display of corresponding web pages stored at the server network element (col. 5, lines 65-67, col. 6, lines 1-16, lines 28-33 and col. 7, lines 30-58).

As per claim 11, Glommen discloses:

- wherein the server network element is a HyperText Transfer Protocol (HTTP) server (col. 5, lines 65-67, col. 6, lines 1-16 and lines 28-33).

As per claims 12 and 28, Glommen discloses:

- wherein the requesting network element is a client browser application (col. 5, lines 65-67 and col. 6, lines 1-16).

As per claims 13, 29 and 40, Glommen discloses:

- wherein the single pixel GIF request with an appended Common Gateway Interface (CGI) query string is included as part of a JavaScript command that is put directly into the HTML file (col. 7, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims 14, 30 and 41, Glommen discloses:

- wherein the JavaScript command is a "document.write" command which places an expression that follows the command into a document window (col. 11, lines 32-67).

As per claims 15, 31 and 42, Glommen discloses:

- wherein the expression contains a HyperText Markup Language (HTML) image (IMG) tag with a source (SRC) attribute that specifies the Uniform Resource Locator (URL) location for the hypertext document (col. 3, lines 33-67, col. 5,

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lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claim 16, Glommen discloses:

- wherein the other network elements include any one or more of switch devices, router devices, gateways, and client computer devices (col. 2, lines 18-51 and col. 7, lines 7-29).

As per claims 27 and 39, Glommen discloses:

- wherein hypertext documents are stored at a HyperText Transfer Protocol (HTTP) server (col. 5, lines 65-67, col. 6, lines 1-16 and lines 28-33).

Response to Arguments

3. Applicant's arguments filed July 8, 2004 have been fully considered but they are not persuasive.
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The Office notes the following arguments:

- (a) Nothing in Glommen teaches defeating Internet caching.
- (b) Glommen does not send a non-cacheable single pixel GIF request.
- (c) Glommen does not teach or disclose storing and processing enriched data contained in a single pixel GIF request at all.
- (d) Glommen does and is non-cacheable single pixel GIF request.

In considering (a), Applicant's argue that the present invention does not teach defeating Internet caching, which is not mentioned in the claims.

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In considering (b)-(c), Glommen teaches a non-cacheable graphical image that is tagged or embedded within the html code of the web page that is sent to the server in order to process the tracking information of the user activity (enriched data) (col. 6, lines 53-59, col. 8, lines 31-35 and col. 12, lines 13-31). Therefore, Glommen does teach sending a non-cacheable single pixel GIF request with enriched data (user activity).

In considering (d), Applicants' admits that Glommen does teach a non-cacheable single pixel request as claimed in independent claims 1, 17 and 32.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
October 8, 2004



SALEH NAJJAR
PRIMARY EXAMINER